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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/778,711

02/07/2001

Tomoji Asada

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7590

06/21/2006

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EXAMINER

BOCCIO, VINCENT F

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/778,711	ASADA ET AL.	
	Examiner	Art Unit	
	Vincent F. Boccio	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 4/3/06
- 1) ☒ Responsive to communication(s) filed on Amendment of 3/4/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

Response to Arguments

1. Applicant's arguments filed 4/3/06 have been fully considered but they are not persuasive.

(A) In re pages 9-12, applicant states as amended the combination fails to disclose the newly recited limitations, as recited,

"wherein said Entitlement Control message (ECM) and said Entitlement Management Message (EMM) data and descrambling key data are simultaneously supplied to a descrambler."

In response in accord to page 10 of applicant's specification, which states, with respect to Fig. 2,

"The output of the error correction circuit 24 is supplied to descrambler 25. The received ECM (Entitlement Control Message) and EMM (Entitlement Management Message) data are supplied to the descrambler 25. At the same time, descrambling Key data are supplied to the descrambler 25 from an IC card 27 loaded in an IC card slot 26.".

Since, the signal from the error correction unit 24 has ECM & EMM and are required to be extracted and used with the IC card data, either the descrambler 25 or DMUX 28 separate these signals (EMM & ECM), from the received signal from 22-23-24 to 25, while there exists a signal to the descrambling unit 25 from controller 20, wherein the controller generates the key to the descrambler, using the IC card data in combination with EMM & ECM to generate the Key required for descrambling unit 25 to descrambling the input stream.

Therefore, as illustrated, the prior art Kim, reads on the claims as amended.

Kim (5,799,081), shows detail in Fig. 5, wherein the descrambler unit 29, receives the stream from tuner 28, having ECM & EMM signals, through descrambler 29 and further the signal CW (control word for descrambling or the Key, col. 3, lines 38-43), therefore, as illustrated, the descrambler unit 29,

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receives ECM & EMM & CW, at the same time or in view of Fig. 5, can be said to simultaneously receive these three signals, as illustrated in Kim and applicant's system.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Itoh et al. (US 6,700,989) and Liebenow (US 6,601,074) and further in view of Kim et al. (US 5,799,081).

The previous rejection of claims 1-18, is herein incorporated by reference.

The claims have been amended to further recite,

"wherein the ECM & EMM from tuner 28 (Fig. 5, "Kim, US 5,799,081", to & from 29 to 37) & descrambling Key data from 37,

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to 29, are simultaneously supplied or at the same time to the descrambler 29", as illustrated in Fig. 5.

Kim (US 5,799,081), is the reference providing the details of ECM & EMM and in accord to Fig. 5, ECM & EMM are embedded in the broadcast signal received, are extracted and presented to element 37, having a smart card 38 & CA s/w SOFTWARE 39, of element 37, which provides the recited descramble key (CW), to the descrambling elements, using received ECM & EMM, through the descrambler 29 in combination with the data from the smart card 38, to create the key (CW), required for descrambling the tuned signal from tuner 28.

Signal CW (control word {CW} for descrambling, is the decryption key, see col. 3), is generated with ECM & EMM in combination with the data from element 37, having smart card 38 and software 39, and read on the claims, as amended.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Fax Information

Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05

Application/Control Number: 09/778,711

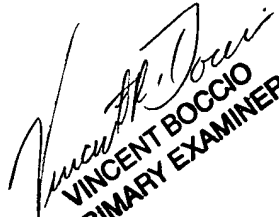
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Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
6/10/06


VINCENT BOCCIO
PRIMARY EXAMINER